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Request
For
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/859,558
Filing Date	May 17, 2001
First Named Inventor	Gan et al.
Art Unit	1745
Examiner Name	L. Weiner
Attorney Docket Number	04645.0734

RECEIVED
OCT 28 2003
TC 1700

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____

- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____

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770.00 OP

- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Michael F. Scallise	Registration No. (Attorney/Agent)	34,920
Signature	<i>Michael F. Scallise</i>	Date	October 20, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	MICHAEL F. SCALLISE	Date	October 20, 2003
Signature	<i>Michael F. Scallise</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 24 2003

FEE TRANSMITTAL
for FY 2002

Patent Fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)770.00

Application Number 09/859,558

Filing Date May 17, 2001

First Named Inventor Gan et al.

Examiner Name L. Weiner

Group/Art Unit 1745

Attorney Docket Number 04645.0734

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

Deposit Account: Deposit Account Number: 502460

Deposit Account Name:

The Commissioner is hereby authorized to (check all that apply)

☐ Charge fee(s) indicated below

Charge any fee deficiencies or credit any overpayments

☐ Charge any additional fees during pendency of this application.☐ Charge fees indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description Fee Paid

101 770 201 385 Utility filing fee \$

106 340 206 170 Design filing fee \$

107 530 207 265 Plant filing fee \$

108 770 208 385 Reissue filing fee \$

114 160 214 80 Provisional filing fee \$

SUBTOTAL (1)

2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE

Extra Fee from Fee Paid

Total Claims // -20** = // x // = \$

Independent Claims // - 3** = // x // = \$

Multiple dependent // x // = \$

Large Entity Small Entity

Fee Fee Fee Fee Fee Description Fee Paid

103 18 203 9 Claims in excess of 20 \$

102 86 202 43 Independent claims in excess of 3 \$

104 290 204 145 Multiple dependent claim if not paid \$

109 86 209 43 **Reissue independent claims over original patent \$

110 18 210 9 **Reissue claims in excess of 20 and over original patent \$

SUBTOTAL (2)

SIGNATURE:

Michael F. Scalise Reg. No. 34,920

DATE: October 20, 2003 Telephone: (716) 759-5810

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Fee Fee Fee Fee Description Fee Paid

105 130 205 65 Surcharge - late filing fee or oath \$

127 50 227 25 Surcharge - late provisional filing fee or cover sheet \$

139 130 139 130 Non-English specification \$

147 2,520 147 2,520 For filing a request for ex parte reexamination \$

112 920* 112 920* Requesting Publication of SIR prior to Examiner Action \$

113 1,840* 113 1,840* Requesting Publication of SIR after Examiner Action \$

115 110 215 55 Extension for reply within first month \$

116 420 216 210 Extension for reply within second month \$

117 950 217 475 Extension for reply within third month \$

118 1,480 218 740 Extension for reply within fourth month \$

128 2,010 228 1,005 Extension for reply within fifth month \$

119 330 219 165 Notice of Appeal \$

120 330 220 165 Filing a brief in support of an appeal \$

121 290 221 145 Request for oral hearing \$

138 1,510 138 1,510 Petition to institute a public use proceeding \$

140 110 240 55 Petition to revive - unavoidable \$

141 1,330 241 665 Petition to revive - unintentional \$

142 1,330 242 665 10 advance copies Utility issue fee (or reissue) \$

143 480 243 240 Design issue fee \$

144 640 244 320 Plant issue fee \$

122 130 122 130 Petitions to the Commissioner \$

123 50 123 50 Processing fee under 37 CFR 1.17(q) \$

126 180 126 180 Submission of Information Disclosure Statement \$

581 40 581 40 Recording each patent assignment per property (times number of properties) \$

146 770 246 385 Filing a submission after final rejection(37 CFR 1.129(a)) \$

149 770 249 385 For each add'l invention to be examined(37 CFR 1.129(b)) \$

179 770 279 385 Request For Continued Examination (RCE) \$770

169 900 169 900 Request for Expedited Examination of a design appln. \$

Other fee (specify) \$

*Reduced by basic filing fee paid SUBTOTAL (3) \$770

I hereby Certify that this Correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on October 20, 2003.

MICHAEL F. Scalise

Reg. No. 34,920

Michael F. Scalise
SignatureOctober 20, 2003
Date of Signature